

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Arbitration between

ONEBEACON AMERICA INSURANCE CO.,

Petitioner,

-and-

SWISS REINSURANCE AMERICA CORP.,

Respondent.

No. 12-cv-5043 (CS/LMS)

**NOTICE OF PETITION TO
APPOINT AN ARBITRATOR**

PLEASE TAKE NOTICE that upon the Petition to Appoint an Arbitrator dated June 27, 2012, the Affidavit of John F. Finnegan, sworn to on July 18, 2012, petitioner's supporting Memorandum of Law dated July 18, 2012, and upon all the papers and proceedings heretofore had herein, Chadbourne & Parke LLP, attorneys for petitioner, OneBeacon America Insurance Company ("OneBeacon"), will petition this Court, before the Honorable Cathy Seibel at the United States Courthouse, 300 Quarropas Street, White Plains, New York 10601, on August 31, 2012, or as soon thereafter as counsel can be heard, for an order pursuant to 9 U.S.C. § 5 (2012) appointing one of three umpire candidates to be nominated by One Beacon or, in the alternative, directing respondent, Swiss Reinsurance America Corporation ("Swiss Re"), to participate in umpire selection (under Court supervision) pursuant to the parties' agreement to arbitrate.

The parties have discussed and agreed upon a briefing schedule whereunder Swiss Re will serve its opposition papers on August 17, 2012 and OneBeacon will serve its reply on August 24, 2012.

Dated: New York, New York
July 18, 2012

CHADBOURNE & PARKE LLP

By: _____



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Attorneys for Petitioner,
One Beacon American Insurance Co.

DECLARATION OF SERVICE

JOHN F. FINNEGAN hereby declares under penalty of perjury pursuant to 28 U.S.C. § 1746 that:

On July 18, 2012, I served the attached Notice of Petition upon defendant's counsel by email addressed to:

mvyskocil@stblaw.com

dedwards@gmail.com

In addition, I caused a paper copy of the Notice to be hand delivered to defendant's counsel addressed to:

David B. Edwards, Esq.
Simpson Thacher & Bartlett LLP
425 Lexington Avenue
New York, NY 10017



John F. Finnegan